

REJECTION OF CLAIM 48 UNDER 35 USC §101

In the Office Action, the Examiner rejected claim 48 under 35 USC §101 as claiming the same invention as that of claim 32 of U.S. Patent No. 5,974,557. Applicants respectfully disagree. While claim 32 of U.S. Patent No. 5,974,557 is generally similar to claim 48 in the present application, it should be noted that these claims do not claim the “same invention” in other words, the claims are not co-extensive in scope. In particular, for example, claim 48 recites “a temperature sensor that provides a temperature indication”, whereas claim 32 of U.S. Patent No. 5,974,557 recites “a temperature sensor thermally coupled to said microprocessor, said temperature sensor provides a temperature indication corresponding to the temperature of said microprocessor”. Accordingly, it is submitted that these respective limitations are not co-extensive in scope and in particular, the limitation of claim 32 of U.S. Patent No. 5,974,557 is more restrictive than that of claim 48 in the present application. Accordingly, it is submitted that claim 48 satisfies all requirements of 35 USC §101. Thus, it is respectfully requested that the Examiner withdraw the rejection to claim 48 under 35 USC §101.

REJECTION OF CLAIMS 21-47 UNDER THE JUDICIALLY CREATED DOCTRINE OF DOUBLE PATENTING

In the Office Action, the Examiner rejected claims 21-47 under the judicially created doctrine of double patenting over claims 26-47 of U.S. Patent No. 5,974,557. Applicants respectfully disagree with the Examiner’s rejection. Nevertheless, to expedite prosecution of this application, Applicants have filed together herewith a terminal disclaimer with respect to U.S. Patent No. 5,974,557. Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claims 21-47 under the judicially created doctrine of double patenting.

REJECTION OF CLAIMS 21, 24, 27-31, 35, 36, 39-47 UNDER 35 USC §103(a)

In the Office Action, the Examiner rejected claims 21, 24, 27-31, 35, 36 and 39-47 under 35 USC 103(a) as being unpatentable over Moyal, U.S. Patent No. 5,422,832. Applicants respectfully disagree with the rejections of claims 21, 24, 27-31, 35, 36 and 39-47 under 35 USC 103(a). Nevertheless, in order to expedite

prosecution, these rejected claims have either been canceled or amended to reflect subject matter that the Examiner did not reject on prior art grounds. Even so, Applicants do not acquiesce or admit agreement with the Examiner's rejection and thus reserve the right to re-introduce these canceled or amended claims at a later date in this or a related application. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 USC §103(a).


SUMMARY

It is submitted that the patentability of the pending claims has been established. Therefore, it is submitted that all claims (namely, claims 22-27, 29-42, 44-45 and 47-78) are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388.

Respectfully submitted,


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